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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JARMON SANFORD,

Defendant and Appellant.

B210890

(Los Angeles County
Super. Ct. No. GA069222)

**ORDER MODIFYING OPINION
AND DENYING REHEARING
[No Change in Judgment]**

It is ordered that the opinion filed herein on December 7, 2009, be modified as follows:

1. Page 6 (**FACTS** section): Delete the fourth and fifth sentences in the first full paragraph, which read as follows: Anderson stated that a .38 special cartridge, which is long and has a rim, is designed to be fired from a revolver. A .380-autocaliber cartridge casing is designed to be fired from a semiautomatic pistol.

The paragraph now reads in its entirety:

Deputy Edmund Anderson (Anderson) of the Los Angeles County Sheriff's Department testified as a firearms identification expert. He explained the difference in the firing mechanisms of a revolver and a semiautomatic pistol. He testified that it was

possible to determine from what type of gun any casings were fired. Anderson did not examine any .380-autocaliber cartridge casings from this case.

2. Page 23: *C. Evidence Sufficient*, the second sentence should be revised and two more sentences added after the second sentence:

The firearms expert explained to the jury the difference between a semiautomatic firearm and a revolver, explaining that the ammunition for a semiautomatic firearm is held in a magazine. The jury heard evidence that the car from which the shots were fired belonged to Faquir, and the police found .380-caliber ammunition and a magazine for a semiautomatic firearm at Faquir's residence during a December 22, 2006, search. The expert explained that new and fired casings can be compared with each other, and the principal difference between them would consist of the tool marks on the fired casings.

The first paragraph under this heading now reads in its entirety:

The jury received sufficient evidence to find that appellant used a semiautomatic firearm during the shooting. The firearms expert explained to the jury the difference between a semiautomatic firearm and a revolver, explaining that the ammunition for a semiautomatic firearm is held in a magazine. The jury heard evidence that the car from which the shots were fired belonged to Faquir, and the police found .380-caliber ammunition and a magazine for a semiautomatic firearm at Faquir's residence during a December 22, 2006, search. The expert explained that new and fired casings can be compared with each other, and the principal difference between them would consist of the tool marks on the fired casings. Later, Gomez testified that he was directed to two shell casings that were lying in the street close to the sidewalk in front of the apartment complex when he arrived at the shooting scene. Gomez also testified that police found a box of .380-caliber ammunition when executing a search warrant at the home of Pitts, and this ammunition was from the same manufacturer and was of the same caliber and color of the casings found at the crime scene.

This modification does not effect a change in judgment.

Appellant's petition for rehearing is denied.